

April 2, 2019

Mahiany P. Luther, Chief, Compliance Division
Air Pollution Control District
County of San Diego
10124 Old Grove Road
San Diego, CA 92131-1649

Subject: Notice of Violation #APCD2019-NOC-000197, City of San Diego Fire-Rescue Training Facility

Dear Ms. Luther:

This letter is in response to the above subject Notice of Violation (NOV) received on March 20, 2019. The NOV states that the City of San Diego (City) violated San Diego County Air Pollution Control District (APCD) Regulation IV, Rule 51 – Nuisance. In essence, the NOV states that the City discharged air contaminants which cause injury, detriment, nuisance or annoyance that endanger the comfort, repose, health, or safety of a considerable number of people by disturbing asbestos-containing materials (ACM), including floor tiles and mastic, through the process of fire-training activities from 2001 through July 2018.

BACKGROUND

The SDFD Training Facility is located on the grounds of the former Navy Recruit Training Center, part of the larger Naval Training Center. Fire-Rescue and San Diego Police Department (SDPD) established the Regional Public Safety Training Institute shortly after the city acquired the property from the US Government, during the years of 1996-1999.

Current use includes SDFD office space, classrooms, storage and drill areas. Fire-Rescue's Fire Academy for new recruits also uses large portions of the facility for our 16-week academy.

HISTORICAL

Over the years that SDFD has occupied the facility, the department has worked with the City's Environmental Services Department Asbestos & Lead Management Program (ALMP) to arrange inspections of specific areas used for training, and for mitigation of cracked/broken **non-friable** tiles or exposed mastic. The role of ALMP in the City is to provide City departments with assistance in managing asbestos containing materials in City owned buildings. ALMP inspectors are state certified asbestos professionals. ALMP generated reports that provided guidance to Fire-Rescue on proper use of the facility, and what to do if certain conditions were found.

CURRENT SITUATION

Prior to APCD inspection on February 12, 2019, the actions outlined below show the City's responsiveness in correcting this situation. In late June 2018, the San Diego Fire-Rescue Training Facility staff raised concerns about damaged floor tiles and mastic in several areas throughout Buildings 88-89. Since that time, SDFD has worked closely with multiple City departments to secure these areas, then develop and implement a plan of action. In addition, we immediately reached out to Local 145 to let them know the situation and have worked together toward a resolution that ensures the safety of our firefighters. This extensive work is currently ongoing and is expected to be completed in April 2019.

The following timeline is higher level; many steps and/or actions were taken during this time but are not included here. The critical takeaway was that our personnel were removed from these potentially hazardous areas and staff concentrated on putting a plan together that was going to address these issues with more permanence:

- Late 06/18 – Local 145 first informally notified of damaged floor tiles and mastic;
 - From this point on, L145 is provided regular updates and providing feedback throughout the duration of this event;
- 06/18/18 – ALMP contacted by the Training Chief to discuss history and issues found at Fire Training;
- 07/13/18 – Training Chief and SDFD Facilities section, requested an evaluation from ALMP of additional areas of concern in Buildings 88-89. **Areas affected were secured and personnel directed to not enter;**
- 07/24/18 – ALMP inspected noted buildings for damage or disturbed floor tiles, mastic due to firefighter training. ALMP to produce report/memo;
- 08/1/18 – Update email sent to SDFD management from Training Chief: overview of walkthrough with ALMP and development of an action plan for the facility;
- 08/09/18 – ALMP provides SDFD a memo listing recommendations for Buildings 88-89;
- 08/15/18 – Risk Management being contacted by the SDFD Health and Safety Officer. Buildings 88 and 89 closed off to all access;
- 08/28/18 – Discussion with ALMP, Risk Management regarding employee notification and education;
- 09/04/18 – Air monitoring testing performed on Buildings 88-89 by ALMP;
- 09/07/18 – All air sampling results from buildings 88 & 89 came back from ALMP 10 times lower (<0.01 fiber per cubic centimeter) than the permissible exposure limit (PEL) of 0.1 fiber p/cc as set by Cal OSHA under 29 CFR 1910.1001 and 1926.1101;
- 09/12/18 – City of San Diego licensed and certified “as needed” asbestos abatement contractor provides quotes for abatement work for ALMP to review;

- 09/18/18 – Emergency CIP Funding Request to fund abatement work is submitted;
- 10/05/18 – Abatement plan finalized. The plan is to prioritize specific areas for occupancy and training. Plan includes:
 - Buildings 88 & 89, all floors, stairwells and exterior – Pick up and clean all broken and loose tiles throughout, HEPA vacuum;
 - Wet wipe three rooms, all equipment contained within;
 - Building 88C, Compressor Room – Fully abate all tile and mastic, 400 sq ft;
 - Building 88B, Wood Shop – Fully abate all tile and mastic, 625 sq ft;
 - Building 88A, 2nd & 3rd Floor – Fully abate all tile and mastic, 22,000 sq ft;
 - Building 89C, 3rd Floor – Fully abate all tile and mastic, 11,000 sq ft;
- 10/08/18 – Formal abatement plan presented to L145;
- 11/19/18 – L145 requests 3rd party State Certified Asbestos Consultant evaluation of the abatement plan;
- 01/16/19 – Independent 3rd party State Certified Asbestos Consultant evaluation of abatement plan completed, with no recommended changes;
- 02/06/19 – Work was anticipated to start within two weeks and be completed by mid-April. This was because SDFD received Mayoral Action approval which was required for this project due to the dollar amount of \$210,000 before a purchase order could be created;
- 02/12-2/13/19 – The APCD inspected and collected samples from buildings 88-89. A visual inspection only was performed at buildings 71-72. No samples were collected from buildings 71-72. Respiratory protection was deemed unnecessary during inspections of building 88-89 as verbal clearance based previous air monitoring results was provided by ALMP to APCD Inspectors;
- 02/15/19 – Abatement work begins with ALMP oversight (exterior abatement work begins and continues over weekend and city observed holiday. We believe this shows the City response to APCD's concerns;
 - Air monitoring is conducted on an ongoing process during this work;
- 03/05/19 – APCD reinspection performed of Buildings 88-89 all floors, approved of progress and efforts to date. APCD removes all asbestos warning signs;

END STATE

When this project is completed in April 2019, Buildings 88-89 will have the following:

- All loose and damaged tile and mastic debris inside and outside will be abated;
- 3 floors will have asbestos floor tile and mastic fully abated for hands on training needs. These areas have been or are properly cleared using Phase Contrast Microscopy (PCM) and Transmission Electron Microscopy (TEM);

- Full abatement of floor tile and mastic have been performed in the Compressor Room and Wood Shop. These areas have been or are properly cleared using PCM and TEM methodologies;
- Permanent signage installed around facility noting areas where training may occur, may NOT occur;
- Specific areas will be permanently closed and locked, preventing all unauthorized access;

San Diego Fire Rescue will be implementing a routine inspection program. The City respectfully disputes the claim of a public nuisance based on the following facts;

- Air monitoring conducted in buildings 88-89, by a state certified asbestos consultant, and analyzed by a certified 3rd party analytical laboratory yielded results less than the 0.01 f/cc which is the post abatement clearance level, this disputes the APCD's claim of a discharge of contaminants to the point of creating a public nuisance;
- The APCD inspectors conducting inspections in the buildings of concern did not don respiratory protection, further illustrating these areas were not discharging asbestos contaminants and therefore not creating a public nuisance;
- Even under the worst-case scenario of abatement of floor tile personal air monitoring data collected by the "as-needed" abatement contractor illustrate that Permissible Exposure Limits were not exceeded;
- The City believes that the APCD can verify that damage to non-friable asbestos containing material occurred and was present on 2/12/2019 during their inspection. However, the APCD cannot verify when that debris was first deposited. Making the 1/1/2001 start of the violation unverifiable;
- Reinspection by the APCD occurred on 3/5/2019 and resulted in the removal of the Asbestos signage previously posted by the APCD inspector. The City believes the violation period of 2/12/2019- 3/5/2019 are the verifiable dates of the violation;

Please reach out to Kevin Ester, Assistant Fire Chief of Business Operations, if you have questions or need additional information. His contact information is KEster@sandiego.gov or 619-533-4302.

Sincerely,



Colin Stowell
Fire Chief

CS/kse

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Enclosure: 1. Regional Public Safety Training Institute Map

cc: Kris Michell, Chief Operating Officer, City of San Diego
Stacey LoMedico, Assistant Chief Operating Officer, City of San Diego
Ron Villa, Assistant Chief Operating Officer, City of San Diego
Johnnie Perkins, Deputy Chief Operating Officer, City of San Diego
David Nisleit, Chief of Police, City of San Diego
Mario Sierra, Director, Environmental Services, City of San Diego
Kevin Ester, Assistant Fire Chief, City of San Diego